



**ARIZONA STATE SENATE**  
*Fifty-Sixth Legislature, First Regular Session*

FACT SHEET FOR S.B. 1323

schools; sexually explicit materials; classification

Purpose

Classifies, as a class 5 felony, a violation of the prohibition on a public school referring students to or using any sexually explicit material in any manner.

Background

A public school must obtain signed, written consent from a student's parent or guardian before providing sex education instruction or using materials that may be inappropriate for the student's age. If a parent objects to a material or activity on the basis that it is harmful, the parent may: 1) request to withdraw the student from the activity, class or program; and 2) request an alternative assignment. A charter school that annually provides a complete list of books and materials before the student enrolls may require parents to waive their right to object as a condition of enrollment. *Objects to any learning material or activity on the basis that the material or activity is harmful* means objecting to the material or activity because of sexual content, violent content or profane or vulgar language ([A.R.S. § 15-113](#)).

A public school may not refer a student to or use any sexually explicit material in any manner except if: 1) the material possesses serious educational value for minors or serious literacy, artistic, political or scientific value; and 2) the public school requires written parental consent, on a per-material basis, before referring a student to or using the material. The public school must provide students for whom parental consent is not secured with an alternative assignment that does not contain sexually explicit material ([A.R.S. § 15-120.03](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Subjects, to a class 5 felony, a public school employee or independent contractor who violates the prohibition on a public school referring students to or using any sexually explicit material in any manner, except as specified.
2. Makes conforming changes.
3. Becomes effective on the general effective date.